

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, March 12, 2021

The Senate convened at 12:30 p.m., with President Sanford presiding.

The prayer was offered by Chaplain Bryan Hochhalter, Bismarck Police Chaplain.

The roll was called and all members were present except Senator Wardner.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Thirty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 678, line 8, remove "**as amended**"

Page 681, line 39, remove "**as amended**"

SEN. ANDERSON MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate reconsider its action whereby Engrossed HB 1142 passed and that the bill be rereferred to the Appropriations Committee, which motion prevailed on a verification vote.

Pursuant to Sen. Klein's motion, Engrossed HB 1142 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1065, as engrossed: SEN. HOGAN (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1300: A BILL for an Act to amend and reenact section 40-23-21 of the North Dakota Century Code, relating to special assessment fund balances.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Clemens; Conley; Elkin; Heitkamp; Kannianen; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Meyer; Myrdal; Oehlke; Vedaa; Wanzek; Weber; Wobbema

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Davison; Dever; Dwyer; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Lee; Luick; Marcellais; Mathern; Oban; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Wardner

HB 1300 failed.

SECOND READING OF HOUSE BILL

HB 1230: A BILL for an Act to amend and reenact section 25-13-01.1 of the North Dakota Century Code, relating to the definition of a service animal.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1230 passed.

SECOND READING OF HOUSE BILL

HB 1381: A BILL for an Act to create and enact a new subsection to section 40-23-10 of the North Dakota Century Code, relating to notice requirements; to amend and reenact sections 40-22-10 and 40-23.1-08 of the North Dakota Century Code, relating to notice requirements and the engineer's report for special improvement districts.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

HB 1381 passed.

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to create and enact section 57-15-19.7 of the North Dakota Century Code, relating to township excess levies for emergency purposes; and to amend and reenact section 57-15-20.2 of the North Dakota Century Code, relating to exceptions to tax levy limitations in townships; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Heitkamp; Hogue; Larsen, O.

Engrossed HB 1157 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, unchanged: HB 1278, HB 1332, HB 1343, HB 1351, HB 1402.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HCR 3013.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1316.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1441, HB 1479.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HCR 3008.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HCR 3043, HCR 3046, HCR 3047.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2061, SB 2075, SB 2105, SB 2106, SB 2111, SB 2134, SB 2152, SB 2224.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2068, SB 2099, SB 2110, SB 2189.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2068

Page 1, line 17, after "attorney" insert ". or request the attorney general to prosecute the proceedings"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2099

Page 3, line 2, after "shall" insert "offer to"

Page 3, line 3, replace ". upon request." with "with"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2110

Page 1, line 2, remove "a new"

Page 1, line 2, replace "to chapter 39-01" with "24-02-50"

Page 1, replace lines 9 through 13 with:

"SECTION 2. Section 24-02-50 of the North Dakota Century Code is created and enacted as follows:

24-02-50. Criminal record history checks.

The director of the department of transportation may require volunteers and final applicants for employment to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24.

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2189

Page 1, line 1, remove "amend and reenact sections 57-36-01, 57-36-02, 57-36-04, 57-36-05,"

Page 1, remove line 2

Page 1, line 3, remove "requirements for electronic smoking device dealers and distributors;
to"

Page 1, line 4, replace "; and to provide a penalty" with "of reduced harm nicotine products"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 3

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2059, SB 2123, SB 2214, SB 2216.

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2059

Page 20, line 22, replace "Clonnitrazolam" with "Clonitrazolam"

Page 23, after line 6, insert:

"k. 1-(4-methoxyphenyl)-N-methylpropan-2-amine (also known as paramethoxymethamphetamine and PMMA)."

Renumber accordingly

AMENDMENTS TO SENATE BILL NO. 2123

Page 1, line 2, after "records" insert "; and to declare an emergency"

Page 1, after line 17, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

AMENDMENTS TO SENATE BILL NO. 2214

Page 1, line 3, after "commission" insert "; and to declare an emergency"

Page 2, after line 15, insert:

"**SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

AMENDMENTS TO SENATE BILL NO. 2216

Page 1, line 3, after "operations" insert "; and to declare an emergency"

Page 1, after line 14, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2027, SB 2050, SB 2053, SB 2056, SB 2066, SB 2081, SB 2094, SB 2109, SB 2114, SB 2115, SB 2135, SB 2157, SB 2250.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: Your signature is respectfully requested on: HB 1113, HB 1125, HB 1153, HB 1160, HB 1314, HB 1405.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2035, SB 2039, SB 2049, SB 2051, SB 2055, SB 2057, SB 2175, SB 2254, SB 2260.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The President has signed: SB 2035, SB 2039, SB 2049, SB 2051, SB 2055, SB 2057, SB 2175, SB 2254, SB 2260.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The President has signed: HB 1113, HB 1125, HB 1153, HB 1160, HB 1314, HB 1405.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HB 1076, HB 1082, HB 1088, HB 1095, HB 1122, HB 1140, HB 1146, HB 1150, HB 1184, HB 1252, HB 1286, HB 1406.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HCR 3009, HCR 3025, HCR 3026, HCR 3027, HCR 3028.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 12, 2021: SB 2035, SB 2039, SB 2049, SB 2051, SB 2055, SB 2057, SB 2175, SB 2254, SB 2260.

MOTION

SEN. KLEIN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 15, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1094, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1094 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1176: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1176 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1179, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1179 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1308: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1308 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1329: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1329 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1366, as engrossed: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1366 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1371: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1371 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "an" with "a contingent"

Page 1, line 13, replace the third "the" with ":

1. The"

Page 1, line 14, after "round" insert "; and

2. Minnesota, Montana, and South Dakota each have commenced the observance of daylight saving time year round as the standard time"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1417: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1417 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1424, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1424 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1435, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1435 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1437, as engrossed: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1437 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1445, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1445 was placed on the Fourteenth order on the calendar.

The Senate stood adjourned pursuant to Senator Klein's motion.

Shanda Morgan, Secretary